

ELLIOT T. ANDERSON, ESQ.  
Nevada Bar No. 14025  
**GREENBERG TRAURIG, LLP**  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, Nevada 89135  
Tel: (702) 792-3773  
Email: [andersonel@gtlaw.com](mailto:andersonel@gtlaw.com)

LAURA SIXKILLER, ESQ.  
(admitted *pro hac vice*)  
KATE L. BENVENISTE, ESQ.  
(admitted *pro hac vice*)  
**GREENBERG TRAURIG, LLP**  
2375 East Camelback Road, Suite 800  
Phoenix, Arizona 85016  
Tel: (602) 445-8000  
Email: [laura.sixkiller@gtlaw.com](mailto:laura.sixkiller@gtlaw.com)  
[kate.benveniste@gtlaw.com](mailto:kate.benveniste@gtlaw.com)

*Attorneys for Plaintiffs/Counterdefendants*  
*Eye-Fi Holdings, LLC and Eye-Fi, LLC*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

EYE-FI HOLDINGS, LLC, a Delaware limited liability company; and EYE-FI, LLC, a Nevada limited liability company,

Plaintiffs,

v.

BRIAN BERGESON, an individual; KYLE NAKAMOTO, an individual; and 3 DOTS, LLC, a Nevada limited liability company,

Defendants.

BRIAN BERGESON, an individual,

Counterclaimant,

v.

EYE-FI HOLDINGS, LLC, a Delaware limited liability company; and EYE-FI, LLC, a Nevada limited liability company,

Counterdefendants.

Case No. 2:24-cv-00925-JCM-MDC

**STIPULATION AND ORDER TO  
EXTEND TIME FOR PLAINTIFFS  
TO RESPOND TO DEFENDANTS'  
AMENDED COUNTERCLAIMS  
[ECF NOS. 30, 31]**

**[Second Request]**

1 KYLE NAKAMOTO, an individual,  
 2 Counterclaimant,  
 3 v.  
 4 EYE-FI HOLDINGS, LLC, a Delaware limited  
 5 liability company; and EYE-FI, LLC, a Nevada  
 6 limited liability company,  
 7 Counterdefendants.

8 IT IS HEREBY STIPULATED between Plaintiffs/Counterdefendants EYE-FI HOLDINGS,  
 9 LLC and EYE-FI, LLC (collectively, “Plaintiffs” or “Counterdefendants”) and  
 10 Defendants/Counterclaimants BRIAN BERGESON (“Bergeson”), 3 DOTS, LLC (“3 Dots”), and  
 11 KYLE NAKAMOTO (“Nakamoto,” or collectively with Bergeson, “Defendants” or  
 12 “Counterclaimants”), through their undersigned counsel, that Counterdefendants shall have an  
 13 additional six (6) days in which to file and serve their responses to Defendants Bergeson and 3 Dots’  
 14 First Amended Answer and Counterclaim [ECF No. 31] and Defendant Nakamoto’s Answer to  
 15 Plaintiffs’ First Amended Complaint and First Amended Counterclaim [ECF No. 30] (collectively,  
 16 “First Amended Counterclaims”) as provided by LR IA 6-1, from the current Tuesday, November 26,  
 17 2024, deadline through and until Monday, December 2, 2024. If Plaintiffs/Counterdefendants move  
 18 to dismiss the First Amended Counterclaims, the Parties agree that Defendants/Counterclaimants  
 19 shall have up to and until December 20, 2024, rather than December 12, 2024, as previously agreed,  
 20 to oppose any such motion, with any reply brief due on January 10, 2025, rather than January 2,  
 21 2025, as previously agreed. This is the second request to extend the time for Plaintiffs to submit  
 22 responses to the First Amended Counterclaims and potential motion briefing deadlines, and the  
 23 Parties request that the Court enter an order approving this stipulation.

24 Good cause exists for this request. Previously, Plaintiffs requested this short additional  
 25 extension of time to permit an adequate opportunity for counsel to complete their evaluation of the  
 26 First Amended Counterclaims and to assess potential issues raised by the additional and changed  
 27 allegations. Additionally, when the First Amended Counterclaims were filed, Plaintiffs/  
 28 Counterdefendants’ counsel was preparing for an extensive binding two-week arbitration hearing.

1 Subsequently, Plaintiffs/Counterdefendants' counsel underwent several medical procedures that  
2 required a longer recovery time than expected. The Thanksgiving Holiday, and the Court's closure  
3 this Thursday and Friday, necessitate a slightly longer extension than might otherwise have been  
4 requested to and including Monday, December 2, 2024, the first business day after the  
5 Thanksgiving Holiday.

6 The Parties met and conferred, and Defendants/Counterclaimants agreed to the extended  
7 response deadline. All Parties further agreed, given issues relating to the holidays, and other  
8 immovable client conflicts, to set an agreed upon briefing schedule should  
9 Plaintiffs/Counterdefendants move to dismiss the First Amended Counterclaims as stated herein, as  
10 a matter of professional courtesy to each other. The Parties agreed, subject to the Court's approval,  
11 that Plaintiffs/Counterdefendants' deadlines to respond to both of the First Amended Counterclaims  
12 shall be extended to December 2, 2024, Defendants/ Counterclaimants' responses to any motion to  
13 dismiss shall be December 20, 2024, and Plaintiffs/Counterdefendants' replies to any motions to  
14 dismiss shall be January 10, 2025.

15 No hearing has been set relating to this matter, and this extension will not impact the Joint  
16 Discovery Plan and Scheduling Order entered by the Court on November 13, 2024, ECF No. 34.

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The Parties respectfully request that the Court enter an order approving this stipulation.

DATED this 26<sup>th</sup> day of November, 2024.

**GREENBERG TRAUIG, LLP**

**SYLVESTER & POLEDNAK, LTD.**

/s/ Elliot T. Anderson

/s/ Matthew T. Kneeland

ELLIOT T. ANDERSON, ESQ.

JEFFREY R. SYLVESTER, ESQ.

Nevada Bar No. 14025

Nevada Bar No. 4396

10845 Griffith Peak Drive, Suite 600

MATTHEW T. KNEELAND, ESQ.

Las Vegas, Nevada 89135

Nevada Bar No. 11829

1731 Village Center Circle

LAURA SIXKILLER, ESQ.

Las Vegas, Nevada 89134

(admitted *pro hac vice*)

*Attorneys for Defendant/Counterclaimant*

KATE L. BENVENISTE, ESQ.

*Brian Bergeson and Defendant 3 Dots, LLC*

(admitted *pro hac vice*)

**GREENBERG TRAUIG, LLP**

**SHEA LARSEN**

2375 East Camelback Road, Suite 800

Phoenix, Arizona 85016

*Attorneys for Plaintiffs/Counterdefendants*

*Eye-Fi Holdings, LLC and Eye-Fi, LLC*

/s/ Kyle M. Wyant

BART K. LARSEN, ESQ.

Nevada Bar No. 8538

KYLE M. WYANT, ESQ.

Nevada Bar No. 14652

1731 Village Center Circle, Suite 150

Las Vegas, Nevada 89134

*Attorneys for Defendant/Counterclaimant*

*Kyle Nakamoto*

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

DATED: November 27, 2024

**Darling, Chris J. (LSS-LV-LT)**

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**From:** Matthew Kneeland <Matthew@SylvesterPolednak.com>  
**Sent:** Tuesday, November 26, 2024 2:24 PM  
**To:** Kyle Wyant  
**Cc:** Sixkiller, Laura (Shld-PHX-LT).; Bart Larsen; Benveniste, Kate L. (Shld-PHX-LT); Anderson, Elliot (Assoc-LV-LT); Flintz, Andrea (LSS-LV-LT)  
**Subject:** Re: Eye-Fi/3 Dots et al - Motion to Seal Exhibits  
**Attachments:** image001.png; image002.png

Same for me

You may use my e-signature.

Matthew T. Kneeland  
Sylvester & Polednak, Ltd.  
1731 Village Center Circle  
Las Vegas, NV 89134  
Telephone: (702) 952-5200  
Facsimile: (702) 952-5205  
Email: matthew@sylvesterpolednak.com

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\*\*\*\*\*

ü Please consider the environment before printing this e-mail.

On Nov 26, 2024, at 2:17 PM, Kyle Wyant <kwyant@shea.law> wrote:

You may use my e-signature.

Best,

Kyle M. Wyant, Esq.  
SHEA LARSEN  
1731 Village Center Circle, Suite 150  
Las Vegas, Nevada 89134  
Office: (702) 471-7432  
Direct: (702) 779-3816

Mobile: (301) 606-4092

Email: [kwyant@shea.law](mailto:kwyant@shea.law)

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**From:** Laura.Sixkiller@gtlaw.com <Laura.Sixkiller@gtlaw.com>

**Sent:** Tuesday, November 26, 2024 1:55 PM

**To:** Kyle Wyant <kwyant@shea.law>; Matthew@SylvesterPolednak.com

**Cc:** Bart Larsen <blarsen@shea.law>; Kate.Benveniste@gtlaw.com; andersonel@gtlaw.com; flintza@gtlaw.com

**Subject:** RE: Eye-Fi/3 Dots et al - Motion to Seal Exhibits

Here is the stipulation on the extension. We rounded up for your response and set it for Dec. 20 rather than merely moving it out 6 days to match the 6 days we are effectively getting, although I don't expect anyone to be doing much the remainder of this week. Let us know if you want more time or, potentially, less time. We took the same 3 week window we had agreed to for the reply last time and ran it off of your response date.

Let us know if we have approval to file.

Thanks!  
Laura

**Laura Sixkiller**  
Shareholder

Greenberg Traurig, LLP  
2375 E. Camelback Rd. | Suite 800 | Phoenix, AZ 85016  
T +1 602.445.8030  
[Laura.Sixkiller@gtlaw.com](mailto:Laura.Sixkiller@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com) | [View GT Biography](#)

<image001.png>

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